



Docket No. 244793US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
LANDRY ET AL. : GROUP ART UNIT: 3743
(Anticipated)
SERIAL NO: 10/716,914 : EXAMINER: CIRIC, L. (Anticipated)
FILED: November 19, 2003 :
FOR: REFRIGERATOR-OVEN

37 CFR 1.604 REQUEST FOR AN
INTERFERENCE WITH AN APPLICATION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I. 37 CFR 1.604(A)(1)

Applicants propose the following count, which is in the format approved by the Commissioner in Orikasa v. Oonishi, 10 USPQ2d 1999, 2003 (Comm'r 1990), and Davis v. Uke, 27 USPQ2d 1180, 1188 (Comm'r 1993):

Claim 1 of the party Mueller et al.'s application serial No. 09/977,775

OR

Claims 1 or 8 of the party Landry et al.'s application serial No. 10/716,914.

Applicants submit that claims 1-14 of the '914 application and claims 1-46 of the '775

applicant correspond to the proposed count.

II. 37 CFR 1.604(A)(2)

The other application is the '775 application filed October 15, 2001 and naming Mueller et al. as inventors. If that application is now abandoned, this request is directed to any continuation of that application now pending.

Applicants believe that all claims in the '775 application or any continuation of that application now pending correspond to the proposed count. However, since applicants do not have access to that application, they cannot be sure.

III. 37 CFR 1.604(A)(3)

The interference should be declared because, as shown by the table below, the parties are claiming the same patentable invention.

Terms of the Claims of the '914 application

1. A combination appliance for cooling and cooking a food item, comprising:

a frame including a cooking chamber and a refrigeration module chamber, wherein the cooking chamber has a first access opening through which access to the interior of the cooking of the cooking chamber is provided

a door moveably mounted to the frame for movement between an open position wherein the first access opening is uncovered and a closed position where the first access opening is covered;

Terms of the Claims of the '775 application

1. A combination appliance for cooling and cooking a food item, comprising:

a frame comprising a cooking chamber and a refrigeration module chamber, and the cooking chamber having a first access opening through which access to the interior of the cooking chamber is provided;

a door moveably mounted to the frame for movement between an open position where the first access opening is

a heat element disposed within the cooking chamber to selectively provide heat to the cooking chamber;

an inlet duct extending between the refrigeration module chamber and the cooking chamber, the inlet duct having an inlet in communication with the refrigeration module chamber and an outlet in communication with the cooking chamber

a return duct extending between the refrigeration module chamber and the cooking chamber, the return duct having an inlet in communication with the cooking chamber and an outlet in communication with the refrigeration module chamber;

a refrigeration module including a compressor, condenser, evaporator, and base on which the compressor, condenser, and evaporator are mounted to form a module; and

an insulated housing overlying the evaporator to thermally isolate the evaporator from the condenser, the insulated housing having an inlet and an outlet, which align with the outlet of the return duct and the inlet of the inlet duct, respectively, when the refrigeration module is mounted within the refrigeration module chamber, to thereby form a refrigerated air path between the evaporator and the cooking chamber.

uncovered and a closed position where the first access opening is covered;

a heat element disposed within the cooking chamber to selectively provide heat to the cooking chamber;

an inlet duct extending between the refrigeration module chamber and the cooking chamber, the inlet duct having an inlet in communication with the refrigeration module chamber and an outlet in communication with the cooking chamber; a


return duct extending between the refrigeration module chamber and the cooking chamber, the return duct having an inlet in communication with the cooking chamber and an outlet in communication with the refrigeration module chamber;

a refrigeration module comprising a compressor, condenser, evaporator, and base on which the compressor, condenser, and evaporator are mounted to form a module, and

an insulated housing overlying the evaporator to thermally isolate the evaporator from the condenser, the insulated housing having an inlet and an outlet, which align with the outlet of the return duct and the inlet of the inlet duct, respectively, when the refrigeration module is mounted within the refrigeration module chamber, to thereby form a refrigerated air path between the evaporator and the cooking chamber.

The only differences between the party Landry's claims and the party Mueller's claims

listed above are in form and not substance. Thus, it is clear that the parties are claiming the same patentable invention. Respectfully submitted,



Charles L. Gholz
Registration No. 26,395
Attorney of Record
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 413-3000

Of Counsel:

W. Todd Baker, Esq.
Registration No. 43,265
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314
(703) 412-6383 (direct dial)
(703) 413-2220 (facsimile)
TBAKER@OBLON.COM (e-mail)

Susan Mizer, Esq.
TUCKER ELLIS & WEST LLP
1150 Huntington Bldg.
925 Euclid Avenue
Cleveland, Ohio 44115
(216) 696-3466 (direct dial)
(216) 696-2645 (facsimile)
smizer@tuckerellis.com (e-mail)

I:\INTERFERENCE\CASES\244793TUC\REQ-604 AMENDMENT 06 APRIL 2004.DOC